

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/032,717 Confirmation No.: 5409
Applicant(s): Abad *et al.*
Filed: October 23, 2001
Art Unit: 1638
Examiner: Kubelik, Anne R.
Title: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS
WITH PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

Docket No.: 035718/237005
Customer No.: 29122

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 41.31)**

Applicant hereby **appeals** to the Board of Appeals and Interferences from the last decision of the Examiner.

The fee for this Notice of Appeal is under 37 CFR § 41.20(b)(1).

- ☐ Applicant claims small entity Status.
- ☐ A check is enclosed.
(\$540.00 for large entity fee or ~~\$270.00 if small entity status~~)
- ☒ The fee was paid during e-filing.
- ☒ **Please charge Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.**
- ☒ Any additional fee or refund may be charged to our Deposit Account No. 16-0605.
- ☒ A petition for a three-month extension of time under 37 CFR § 1.136(a) is enclosed. The petition fee for a three-month extension of time has been adjusted as Applicants previously paid a one-month extension of time fee at the time the Supplemental Amendment After Final was filed on February 19, 2009.

Respectfully submitted,

/w. murray spruill/

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TRADEMARK OFFICE ON April 24, 2009.**